

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

In re:

Briar's Creek Golf, LLC d/b/a  
The Golf Club at Briar's Creek,  
  
Debtor.

Case No. 15-00712-jw

Chapter 11

**MOTION FOR AND MEMORANDUM IN SUPPORT OF EMERGENCY HEARINGS  
ON DEBTORS' FIRST DAY MOTIONS, INCLUDING: (1) MOTION TO PAY  
CERTAIN PRE-PETITION WAGE CLAIMS; (2) MOTION FOR ORDER  
AUTHORIZING THE DEBTOR TO MAINTIAIN EXISTING BANK ACCOUNTS AND  
CASH MANAGEMENT SYSTEM AND USE OF EXISTING BUSINESS FORMS AND  
RECORDS; AND (3) MOTION FOR ORDER PROVIDING ADEQUATE ASSURANCE  
TO UTILITY COMPANIES**

---

Briar's Creek Golf, LLC d/b/a The Golf Club at Briar's Creek ("Debtor"), the above-captioned debtor in possession, hereby requests that the Court schedule emergency or expedited hearings for the following motions filed contemporaneously with this motion:

MOTION FOR ENTRY OF ORDER AUTHORIZING DEBTOR TO  
PAY CERTAIN PRE-PETITION WAGE CLAIMS AND  
MEMORANDUM IN SUPPORT

MOTION FOR ORDER AUTHORIZING THE DEBTOR TO (1)  
MAINTIAIN EXISTING BANK ACCOUNTS AND CASH  
MANAGEMENT SYSTEM AND (2) USE OF EXISTING BUSINESS  
FORMS AND RECORDS

DEBTORS' MOTION PURSUANT TO SECTION 366(b) OF THE  
BANKRUPTCY CODE FOR ORDER DETERMINING THAT  
ADEQUATE ASSURANCE OF PAYMENT HAS BEEN PROVIDED  
TO UTILITY COMPANIES AND MEMORANDUM IN SUPPORT

Because of the Debtor's urgent need to obtain authority to pay necessary ongoing wages to its employees, to maintain the Debtor's ongoing business operations through continued use of its pre-petition accounts and business forms, and the Debtor's need to prevent discontinuation of its utility services, the Debtor requests that an expedited hearing be scheduled on the matters listed

above. The Debtor requests that such hearing be scheduled **on or before February 13, 2015** so that the Debtor can make its regularly scheduled payroll to its employees. The Debtor also submits the attached Certificate of Necessity for Emergency Hearing attached below.

WHEREFORE, having shown that an emergency hearing is necessary in connection with the above-listed motions, the Debtor asks for an Order scheduling such hearings and for such other and further relief as the Court may deem appropriate.

RESPECTFULLY SUBMITTED on this the 10<sup>th</sup> day of February 2015, at Columbia, South Carolina.

MCCARTHY LAW FIRM, LLC

By: /s/Daniel J. Reynolds, Jr.  
G. William McCarthy, Jr., I.D.#2762  
Daniel J. Reynolds, Jr., I.D.#9232  
W. Harrison Penn, I.D.#11164  
*Attorneys for the Debtor*  
1517 Laurel Street  
P.O. Box 11332  
Columbia, SC 29201-1332  
(803) 771-8836  
(803) 753-6960 (fax)  
dreynolds@mccarthy-lawfirm.com

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

In re:

Briar's Creek Golf, LLC d/b/a  
The Golf Club at Briar's Creek,  
  
Debtor.

Case No. 15-00712-jw

Chapter 11

**CERTIFICATION OF NECESSITY FOR EMERGENCY HEARING**

The undersigned, as counsel for Briar's Creek Golf, LLC d/b/a The Golf Club at Briar's Creek ("Debtor"), hereby certifies:

1. That he has reviewed carefully the following Motions filed simultaneously with this Certification:

MOTION FOR ENTRY OF ORDER AUTHORIZING  
DEBTOR TO PAY CERTAIN PRE-PETITION WAGE  
CLAIMS AND MEMORANDUM IN SUPPORT

MOTION FOR ORDER AUTHORIZING THE DEBTOR TO  
(1) MAINTAIN EXISTING BANK ACCOUNTS AND CASH  
MANAGEMENT SYSTEM AND (2) USE OF EXISTING  
BUSINESS FORMS AND RECORDS

DEBTORS' MOTION PURSUANT TO SECTION 366(b) OF  
THE BANKRUPTCY CODE FOR ORDER DETERMINING  
THAT ADEQUATE ASSURANCE OF PAYMENT HAS  
BEEN PROVIDED TO UTILITY COMPANIES AND  
MEMORANDUM IN SUPPORT

2. That he believes that there is an urgent necessity for an emergency hearing on each of the above-listed motions.

3. That his client will suffer irreparable damage in that the Debtor may be unable to continue business operations if it is unable to pay its employees their wages at the regularly scheduled payroll date, continue use of its pre-petition accounts and business forms, and establish adequate assurance of payments in order to continue utility services. This hearing must occur **on or before February 13, 2015** so that the Debtor can make its regularly scheduled payroll to its

employees and such a hearing may be scheduled in accordance with routine application of relevant sections of the United States Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

4. The undersigned further certifies that the necessity for an emergency hearing has not been caused by any lack of due diligence on the part of the undersigned or the Debtors.

5. The undersigned further certifies: (1) that prior to the filing of the case and the above-listed motions, he consulted with the Clerk's Office, the Office of the United States Trustee, and the secured creditors regarding these cases, but the need for the Court to hear these motions cannot be obtained absent an emergency hearing; and (2) failure to obtain the relief sought in a timely fashion will cause irreparable harm to the Debtor.

WHEREFORE the undersigned respectfully requests that this court enter an Order granting the relief requested herein, and for such other and further relief as this court may deem just and proper.

RESPECTFULLY SUBMITTED on this the 10th day of February 2015, at Columbia, South Carolina.

MCCARTHY LAW FIRM, LLC

By: /s/Daniel J. Reynolds, Jr.  
G. William McCarthy, Jr., I.D.#2762  
Daniel J. Reynolds, Jr., I.D.#9232  
W. Harrison Penn, I.D.#11164  
*Attorneys for the Debtor*  
1517 Laurel Street  
P.O. Box 11332  
Columbia, SC 29201-1332  
(803) 771-8836  
(803) 753-6960 (fax)  
dreynolds@mccarthy-lawfirm.com